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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3863**
Yoshikazu FUKUI et al. : Attorney Docket No. 2006_0755A
Serial No. 10/581,322 : Group Art Unit 1626
Filed July 18, 2006 : Examiner Sun Jae Y. Loewe

ISOXAZOLE DERIVATIVES AS
PEROXISOME PROLIFERATOR-ACTIVATED
RECEPTORS AGONISTS

Mail Stop: Amendment

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

This is responsive to the Official Action dated September 4, 2008.

Reconsideration is respectfully requested in view of the following remarks and attached Rule 132 Declaration.

In item 3 on page 2 of the Action, claims 1, 2, 4-10, 12, 15 and 26 remain objected to for containing non-elected subject matter. The Examiner indicates that this ground of rejection will be overcome when the Applicant is entitled to rejoinder of the non-elected species upon allowability of the generic claims.

There is a single ground of rejection of the claims. Claims 1-2, 4-10 and 26 remain rejected under 35 USC 103 as unpatentable over Filzen et al. (WO 03/084916). This ground of rejection is again respectfully traversed.

The Examiner cited Filzen et al. (WO 03/084916) as prior art in the Office Action dated January 22, 2008. The difference between prior art and our Claims is "the substituent at the 4-position of the isoxazole" (R² in our Claims) as the Examiner